BOMBAY GAZETTE.

PUBLISHED THRICE A WEEK, ON EVERY MONDAY, WEDNESDAY, AND FRIDAY, MORNING.

PRICE 13 RUPEES PER QUARTER:—52 RUPEES PER ANNUM:—OR, IF PAID IN ADVANCE, 48 RUPEES PER ANNUM.

"Nothing extenuate, nor set down aught in Malice."

Vol. LII. **BOMBAY: FRIDAY, MARCH 19, 1841.** **New Series No. 34.**

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3 do. do. for a second do.
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the same being in immediately succeeding papers.

Under ten lines, 4 Rupees.

BOMBAY GAZETTE OVERLAND DISPATCH.

WHICH will contain a Precis of Indian Intelligence for the past Month.

The Public and Subscribers to the Gazette are informed that an Overland Monthly Dispatch, will be published at this Office for the present and every succeeding Mail—to Subscribers of the Gazette, *Gratis*.—Non-Subscribers one Rupee per Copy and to Subscribers for the above alone Rs. 10 per Annum, in England £1. 1s.

The Outstation Subscribers to the *Bombay Gazette* are hereby informed that if they will favor the Editor with the names of the Parties in England to whom they wish their Overland Gazette to be sent, they will be forwarded punctually through the Post Office here by each Steamer.

No Postage is levied by the Falmouth route and by Marseilles Two-pence.

Agents in England, Messrs. Grindlay, Christian and Matthews, 16, Cornhill, and 8, St. Martin's place, Charing Cross.

Bombay Gazette Office, No. 5, Forbes' Street.

THE SUBSCRIBERS of the BOMBAY GAZETTE are respectfully requested to take notice that the New Proprietorship commenced from the 1st of June 1840, and that all accounts &c. with the present concern will commence from that date.

THE SUBSCRIBERS to the GAZETTE are requested that whenever a change of residence or Station may take place, they will be pleased to give information of the same, in order, to prevent mistakes in forwarding their Newspaper.

COPPER PLATE PRINTING.

THE LADIES and GENTLEMEN of the Presidency and the Public in general are INVITATION CARDS will be neatly executed and on reasonable terms at this Office.

All orders for Copper Plate Engraving and Card Printing addressed to the Printer of this Paper will be carefully attended to.

TO THE ARMY AND NAVY.

THE following Works are for Sale and to be had on application at this Office.

MARRYAT'S CODE OF SIGNALS, Sixth Edition, of the 1st, 2nd, and 3rd Parts, with the Supplement to the above, and also the Honorable Company's Steamers and Ships of War, corrected and enlarged with considerable alterations and additions..... Rs. 2

Report of the Commissioners for Inquiring into the Naval and Military Promotion and Retirement..... Rs. 2

Proceedings of a General Court Martial held at Fort George on Captain D. G. DUFF, 16th Regt. N. I..... Rs. 1

BOMBAY SPORTING MAGAZINE.

MANY applications having been made to the EDITOR of this Journal, and promises of assistance given to get up a *Sporting Magazine*. It is hereby announced that the 1st No. of the BOMBAY SPORTING MAGAZINE was published on the 25th of December, and No 2 will appear in March. The price to Subscribers is 12 Rupees a year, single numbers 4 Rupees. Communications will be thankfully received.

FOR SALE.—A few copies of the "CEYLON MAGAZINE" from No. 1 to 3, for September, October and November, Price 3 Rupees per Copy.—Apply at the Bombay Gazette Office.

Gentlemen desirous of becoming Subscribers to the above Periodical will be pleased to communicate the same to the Editor by letter post paid.

FOR SALE, at the Gazette Office;

Respondentia Bonds, each	Rs.	1
Ship's Articles.....	,,	1
Policies of Insurance.....	,,	1
Bills of Exchange, per set.....	Ans.	8
Interest Bonds.....	,,	8
Bills of Lading.....	,,	8
Powers of Attorney, each.....	,,	8

MR. LEFEVRE has the honor to announce to the Public that he has received by the "Josephine," an assortment of goods from Paris, consisting of Musical Boxes playing 6 to 8 tunes, Palanquin or travelling clocks, clocks for rooms, Oil Paintings, Looking Glasses, Memorandum Books, Organ, Fresh Sardines and different other Articles, Liqueurs &c. &c. Terms Cash.

Nesbit Lane, opposite the Secretariat Office.

NOTICE.

AS the undersigned are now preparing for their Annual Stock of Beers, Regimental Messes and Individuals are particularly requested to intimate immediately what quantity and what Maker they will require for Consumption the ensuing Season.

WOOLER AND Co.

Bombay Green, 19th March 1841.

FOR PASSAGE TO LIVERPOOL.

THE fine First Class Ship "LANCASTER," J. JEFFERSON, Commander, 756 Tons Register, has superior accommodations for Passengers and carries a Surgeon, will sail on the 5th April.

For terms apply on board, or at the office of Messrs. HIGGINSON AND CARDWELL, Meadow street.

Bombay, 19th March 1841.

FOR MADRAS.

TOUCHING on the Malabar Coast and Colombo should sufficient inducement offer. The fine Barque "CORINGA PACKET," 300 Tons, Register, "Old Measurement," Captain GIBSON, daily expected has splendid accommodations for Passengers, and will have immediate despatch. For Freight or Passage. Apply to

THOS. JEFFERIES AND CO.

Bombay, 19th March 1841.

FOR SINGAPORE.

THE Teak built Barque "COLONEL NEWALL," 214 Tons, Register, "Old Measurement" Captain GRANT, this Vessel is just come out of Dock, having undergone very extensive repairs, ready to receive cargo, and will have immediate despatch. For Freight or Passage apply to

THOS. JEFFERIES AND CO.

Bombay, 19th March 1841.

FOR CHINA.

THE "WILD IRISH GIRL," having her Cotton and several Chests of Opium already engaged, will sail in the course of a few days For Freight for *Opium only*, which she will take at reasonable rates, apply to.

JEHANGHEIR NASSERWANJEE WADYA,
Old Theatre.

Bombay, 19th March 1841.

THAT desirable, well known Bungalow called "*The Oaks*" commanding an extensive and extremely picturesque view.

This House has just been repaired, is considerably improved, and handsomely furnished, it is fitted also with a good Billiard Table. For rent and further particulars apply to Messrs. WOOLER AND Co.

Bombay, 19th March 1841.

FOR SALE at the Godowns of Messrs. FORBES AND Co. the following Wines, received direct from Portugal, in 3 dozen cases, viz.

Port Wine, ...	Rs.	15 per dozen.
Muscatel, ...	,,	12 per do.
Lisbon, ...	,,	9 per do.

Bombay, 19th March 1841.

CONTEMPORARY SELECTIONS.

THE TIMES AND DR. BROWN.

TIMES, MARCH, 17.

We have have not been so well lectured! and so much edified during our Bombay experience, as by the longitudinous commentary in Monday's issue of the *Gazette*, upon our observations respecting the appointment of the Governors Surgeon and Secretary a Surgeon of January 1841, to be Surgeon to the European General Hospital, the most important professional appointment at the Presidency; but to remain in the Governor's family, and the duty to be performed, and the salary to be drawn, by Surgeon Scott, a Surgeon of Nov. 1840, formerly Surgeon to Lord Clare; the same to the injury of some thirty seniors to both, who have not the good fortune to possess any claim to consideration but length of service The assertions put forth, of no complaints and almost universal satisfaction! are fully answered by a correspondent; and as we have too much to attend to at present with our European extracts to enter upon a local subject of a limited interest, we shall defer our observations until the statement solicited by our Correspondent is afforded. In the meanwhile we feel greatly obliged to the *Gazette* for sparing so much space! at such a moment! to such a subject! and hope that as he is so passing well informed respecting the services of our Medical Officers, that he will please to indulge us with the services and claims of Surgeons Tawse and Patch and Graham; the latter particularly, for a reason we venture to hope we may not have occasion to enlarge on. We mentioned Dr. Duncan merely from his being the senior unprovided for--- a surgeon of April 1829, and hope that we may not have drawn down the ire of authority upon him.

In the short notice of the arrangements of the European Hospital contained in our last, we regret to find that reflections were understood to have been expressed in reference to the nomination of Dr. Brown, which were in fact as remote from the thoughts of the writer as they would have been misapplied to the subject, unjustly supposed to have been reflected on. We noticed some portions of the Hospital arrangements with dissatisfaction, and we expressed our entire approval of the appointment of the new Deputy Post Master; and a contemporary is pleased to characterise this as "blowing hot and cold at once;"---and he is right if he thereby means, that in exercising the function of dispassionate and impartial critics we express our approbation of those things which are right, and our disapprobation of those which in our estimation are not so, whoever the party or parties may be who authorize them. When the Governor of Bombay becomes perfect, and perfection surrounds the Council table, we shall have no duty but that of commendation to perform:---until then, while we take leave to stand forward as critics, we must continue "to blow hot and cold;" to censure and commend, just as circumstances permit;—thankful that as the latter is the more pleasing duty, it is the one which the conduct of our rulers imposes upon us on the whole more frequently than the former.

To the Editor of the Bombay Times.

SIR,—The Medical establishment are very grateful to that well-informed and talented Gentleman, the Editor of the *Gazette*, for the parallel column statement of the services of Surgeon Brown and a Surgeon Duncan--a Surgeon of April 1829, and Surgeon of January 1841, and hope that he will please to carry on his labours, and give us a similar parallel of Surgeon Scott's services; that Gentleman being the party most benefited by the order against which you protested.---The Editor of the *Gazette* is pleased to say that he has not heard a "single complaint,"—and then, that the appointment has "given *almost* universal satisfaction."---why add the "*almost*"—if there were not a "single complaint"---I'll tell the Editor of the *Gazette* why there is not a single complaint if he have not the wit to find it out himself---viz---there's no use complaining!!--but as for the "*almost* universal satisfacton" it exists only in the fancy of the Editor, and may be traced to his hope of some important favour, of which we have no wish to rob him.

M. D.

CIVIL APPOINTMENTS, &c.

TERRITORIAL DEPARTMENT, REVENUE.

Bombay Castle, 12th March 1841.

Mr. J. H. Pelly, delivered over charge of the office of collector of continental customs and excise to Mr. John William Langford, on the 3rd instant.

Mr. G. Inverarity, acting third assistant to the collector of Belgaum, is allowed to proceed into the districts, on deputation.

Mr. F. Sims, acting second assistant to the principle collector of Surat, is allowed an extension, till the 1st proximo, of the leave of absence granted to him on the 6th ultimo.

to remain in the districts of Kolsa, is allowed further period of four months.

Mr. Keays, first assistant to the collector of Kaira, is allowed to remain in the districts, on deputation.

Bombay Castle, 13th March 1841.

Mr. H. E. Goldsmid, to act as first assistant to the collector and magistrate of Dharwar, during Mr. Escombe's absence.

Lieut. D. Davidson, to be superintendent of the revenue survey in the Nassick districts, during Mr. Goldsmind's absence at Dharwar.

Bombay Castle, 15th March 1841.

Mr. P. Stewart, acting collector of Poona, is allowed leave of absence for one month, from the 20th instant, under section XI of the absence rules to proceed to the presidency, on private affairs.

Mr. C. Price, first assistant to the collector of Rutnageeree, is allowed leave of absence for two months, from the 15th instant, under section XI of the absence rules, to proceed to the presidency, on private affairs.

Bombay Castle, 16th March 1841.

Mr. Alexander Elphinston, resumed charge of the office of collector and magistrate of Rutnageeree, on the 10th instant.

Bombay Castle, 17th March 1841.

The leave of absence granted on the 26th February last, to Mr. G. S. Karr, third assistant to the collector of Sholapoor, is cancelled at his own request.

By order of the Hon'ble the Governor in Council.
E. R. REID, *Chief, Secy.*

GENERAL DEPARTMENT.

Bombay Castle, 15th March 1841,

The Hon'ble the Governor in Council is pleased to notify for general information, that Mr. C. J. Erskine was examined in the printed regulations on the 1st instant, and was found competent to enter on the transaction of public business.

Bombay Castle, 16th March 1841.

John de Faria Esq. has been appointed by the Government of Goa, to be Consular Agent, on the part of the Portuguese Government in Bombay, and the authorities at this presidency are hereby required to recognize the said Consul as representing the said Government of Goa accordingly.

Bombay Castle, 17th March 1841.

L. C. C. Rivtt Esquire, assumed charge of his appointment as superintendent of the government printing establishment, on the 12th instant.

W. Blowers Esquire, assumed charge of his duties, as deputy post master general, on the 11th instant.

By order of the Hon'ble the Governor in Council,
W. R. MORRIS, *Secretary to Government.*

POLITICAL DEPARTMENT.

Bombay Castle, 17th March 1841.

Lieutenant J. D. Leckie, of the 22d regiment native infantry, assistant to the political agent in Lower Scinde, is allowed leave of absence on private affairs from the 10th November to the 11th December last, on which latter date, he resumed charge of his duties.

By order of the Hon'ble the Governor in Council,
J. P. WILLOUGHBY,
Secy. to Govt.

GENERAL ORDERS.

MILITARY DEPARTMENT.

BY THE HON'BLE THE GOVERNOR IN COUNCIL.

Bombay Castle, 10th March 1841.

No. 168 of 1841.—Captain A. P. LeMessurier, Acting Pay Master at the Presidency, received charge of the Presidency Pay Office on the 1st instant.

No. 169 of 1841.—The following appointment are made:—

Regiment of Artillery.

2nd Lieutenant J. Pottinger, to be Adjutant and Quarter Master to the 1st Battalion, vice Lieutenant H. Creed proceeded to Europe.—Date of appointment 1st March 1841.

Lieutenant J. S. Unwin, to be Acting Adjutant and Quarter Master to the 2nd Battalion, vice Pottinger.—Date of appointment 1st March 1841.

No. 170 of 1841.—The folloing order is confirmed:—

A Regimental order by Lieutenant Colonel Booth, Commanding the 41st Foot, dated Kurrachee 23rd ultimo, appointieg Lieutenant Mackenzie to act as Quarter Master, on the departure on leave of absence of Quarter Master Burns, and directing Brevet Captain and Adjutant Vaughan to officiate in that capacity, until the arrival at Head Quarters of Lieutenant Mackenzie.

Bombay Castle, 11th March 1841.

No. 171 of 1841.—The Hon'ble the Governor in Council is pleased to republish in General Orders, the following Notification from the Political Department, dated the 8th instant.

Bombay Castle, 13th March 1841.

No. 173 of 1841.—The following order is confirmed:—

An Order by Lieutenant Colonel A. Manson, C, B. dated the 4th ultimo, appointing Lieutenant R. C. command Wormarld to perform the duties of Staff Officer, Artillery, Poona Division of the Army, and the duties of Adjutant to the 1st Battalion Artillery, during the absence of Lieutenant H. Creed, and until the arrival of the Officer appointed to these situations.

No, 174 of 1841.—The following promotion is made:—

13th Regiment Native Infantry.

Ensign A. A. Adams to be Lieutenant, in succession to Diggle deceased, Date of Rank, 19th January 1841.

Bombay Castle, 15th March 1841.

No. 175 of 1841.—Captain Bartlett, Acting Superintendent, on the 6th instant.

No. 176 of 1841.—The following promotion is made:—

26th Regiment Native Infantry,

Ensign G. Mackenzie to be Lieutenant, vice Bowen deceased, Date of Rank, 3rd March 1841.

Bombay Castle, 17th March 1841.

No. 177 of 1141.—By a resolution in the General Department under date the 10th instant, Ensign Furneaux of the 1st European Regiment was appointed an Assistant to the Superintendent of Curtis, Lieutenant A. Price, of the 4th Regiment Native Infantry, and Lieutenant D. O. Compton, of the 18th Regiment Native Infantry, were also appointed to act as Assistants to the same Officer till permanent vacancies occur.

By order of the Hon'ble the Governor Council,
P. M. MELVILL, Lieut. Col. *Secy. to Govt.*

LEGISLATIVE DEPARTMENT.

THE 1st MARCH, 1841.

The following Draft of a proposed Act was read in Council for the first time on the 1st of March, 1841.

ACT NO.—OF 1841.

An Act for consolidating and amending the Regulations concerning Military Courts of Request for Native Officers and Soldiers in the Service of the East India Company.

I. It is hereby enacted, that all Regulations and parts of Regulations concerning Military Courts of Request are repealed; provided always that nothing in this Act contained shall be held to alter or affect the jurisdiction of a single Officer duly authorized and appointed under the Rules in force in the Madras and Bombay Presidencies for the trial of small suits in Military Bazars, at Cantonments and Stations occupied by the troops of those Presidencies respectively, or the trial by Punchayet of suits against Military persons according to the Rules in force under the Madras Presidency.

II. And it is hereby enacted, that within the territories of the East India Company actions of debt and other personal actions against Native Officers, Soldiers and other persons amenable to the Articles of War for the Native Forces in the Military Service of the East India Company, shall be cognizable before a Military Court and not elsewhere, provided the value in question shall not exceed 200 Rupees, and the defendant was a person of the description above mentioned, when the cause of action arose and when the suit was instituted.

III. And it is hereby enacted, that the Commanding Officer of any Station or Cantonment is authorized to convene such Military Courts. And such Courts shall be composed, according to the orders of the Commanding officer of the Forces of the Presidency within which the Station or Cantonment is situate, or, in the absence of such orders, according to the discretion of the Convening Officer, either of not less than three European Commissioned Officers, or of not less than three Native Commissioned Officers, with an European Officer to superintend and record the proceedings.

IV. And it is hereby enacted, that such Military Courts shall be convened monthly, and shall be holden on some convenient day before the issue of the pay for each month.

V. And it is hereby enacted, that the forms of proceeding in every such Court shall be conformable to the usages observed on trials before Courts Martial held for the Hon'ble Company's Native Troops as far as the same are applicable. And any such Court shall have the like power of summoning witnesses as is possessed by Courts Martial. Provided always that every such Court shall have the power of examining the parties to any suit and of requiring or dispensing with their attendance at its discretion. And that every such Court shall have like power of taking the examinations of absent witnesses as is possessed by the Honorable Company's Civil Courts.

VI. And it is hereby enacted, that witneses omitting to attend, refusing to give evidence, or committing perjury shall be tried and punished, if amenable to the Articles of War, by a Court Martial, subject to all the Rules contained in the Articles of War for the punishment of such offences in regard to trials for Military offences; and if not amenable to the Articles of War, they shall be tried and punished in the nearest of the Honorable Company's Courts of Criminal Justice in like manner as if such offences had been committed in regard to any trial before such nearest Court.

VII. And it is hereby enacted, that any person, Civil or Military, using menacing words, signs, or gestures, or otherwise interruptings of any Military Court of Request shall be punishable with imprisonment according to the summary judgment of such Court, during the time such Court is sitting—and every such offender shall be liable to be further punished by a Court Martial, or by the nearest Company's Court of Criminal jurisdiction, according as the offender is amenable or not to the Articles of War in like manner as if the offence had been committed in the presence of the Court to which it is so referred, Provided that if the Court to which the offence is referred shall be of opinion that the offender has been already sufficiently punished they shall discharge him forth with.

VIII And it is hereby enacted, that a record shall be ke kept of proceediug in every case tried before any Military Court of Request. And such record shall contain as well a particular account of the evidence given as of the nature of such evidence as may have been rejected on the ground of its not being legally admissible, or relevant, or on other grounds, and the same shall be signed by the Members of the said Court. And such record or a copy thereof shall, with as little delay as is practicable, after the conclusion of the proceedings, be transmitted by the European Superintending Officer of every such Court to the Officer Commanding the Station or Cantonment.

IX. And it is hereby enacted, that where a demand shall exceed the amount of 200 Rupees, or where several separate demands or securities shall exceed such amount, no more shall be recoverable than the sum of 200 Rupees only—and the Judgment in respect of any demand in a Court of Requests shall be a bar to the recovery of any demand for the same cause of action in any other Court whatever, provided that the liability accrured before the time of insititutiag the suit in the Military Court—and it shall be competent for every such Military Court to investigate any counter-claim alleged by any defendant. And it shall be competent for every such Military Court to allow the interest for money agreed on between the parties, provided the same does not exceed the usage of the country. And every contract upon which a demand for debt exceediag 20 Rupees is founded, not being money due for goods [illegible] expressed in the language of the defendant and signed by him or on his behalf by some other person than the plaintiff. Provided that it shall not be competent to any Court of Requests to admit any suit for a debt which has accrued upwards of six years.

X. And it is hereby enacted, that on failure of either of the parties to a suit to attend either personally or by representative, or to produce his witnesses according as he shall be required by any Military Court of Rtquests, such Court on being satisfied that the party has been duly apprized of what is required of him, proceed to the termination of the suit in his absence. And if the decree in any such case shall be against the plaintiff, it shall not be competent for him to commence a new suit for the same cause of action.

XI. And it is hereby enacted, that it shall be lawful for the Commanding Officer to whom the proceedings have been transmitted as aforesaid to return the same for revision either by the same or another Military Court of Requests. And in every such case the second decree shall be final unless for error id points of law, when the same shall be transmitted to the Commander in Chief, who shall have power to annul the proceedings without prejudice to any future suit. Provided always that in the case of any new trial the Court may receive evidence which was not adduced at the first trial.

XII. And it is hereby enacted, that every plaintiff shall prefer his claim in writing and shall deliver the same to the Station Staff-Officer. The claims shall be entered in a Schedule by the Station Staff—Officer, which Schedule is to be sent to Adjutants of Corps or Heads of Departments two days before the assembly of the Court, and Adjutants or Heads of Departments, shall be responsible that the defendants belonging to their respective Corps or Establiahments have been duly summoned.

XIII. And it is hereby enacted, that every decree of any Military Court of Requets shall be published in the Station Orders before the same is executed.

XIV. And it is hereby enacted, that the execution of decrees of Military Courts of Requests may be either general or special, according to the sentence of the Court. Provided always that the Commanding Officer may, notwithstanding the direction of the Court, order that the execution shall be general or special at his discretion.

XV. And it is hereby enacted, that in cases in which the execution is to be general, the debt if not paid forthwith, shall, under the authority of the Commanding Officer, in writing to be signed by him, be levied by seizure and public sale of such of the Debtor's Goods as may be found within the limits of the Station or Cantonment, and if sufficient Goods are not to be found the debtor, if not a Soldier, shall be arrested and imprisoned in any Civil Gaol near to the Station or Cantonment, or in any other convenient place of confinement situate within the limits of the Station or Cantonment, for the space of two months, unless the debt be sooner paid, and his Goods, if found within the limits of the Station or Cantonments at any subsequent time shall be liable to be seized and sold in satisfaction of the debt, and if the debtor be a Soldier and the debt be not liquidated by sale of his Effects, Accoutrements and Necessaries excepted, an order may be issued for payment of the residue by monthly deduction from the pay issued to the debtor under the Rules which follow.

XVI. And it is hereby enacted, that where the execution is to be special, the debt shall be satisfied out of the pay and allowances of the debtor and not otherwise. And a certificate of the decree and direction or order thereon certified under the hand of the Commanding Officer and signed by

him shall be a sufficient authority for making such stoppages. Provided always that no more than one half of the pay and allowances of any Commissioned Officer or than one fourth of the pay and allowances of any non-Commissioned Officer or Soldier shall be stopped in any one month.

XVII. And it is hereby enacted, that in places beyond the Frontier of the Territories of the East India Company actions of debt and other personal actions may be brought before such Military Courts as aforessid against persons so amenable as aforesaid for any amount of demand; Providedr that such Military Courts beyond the Frontier shall be composed of European Officers—and provided, that if the sum recovered shall exceed 200 Rupees an appeal shall lie to the Court of Sudder Adawlut of the nearest Presidency according to the rules in force with regard to appeals from subordinate Civil Courts.

Ordered, that the Draft now read be published for general information.

Ordered, that the said Draft be re-considered at the first Meeting of the Legislative Council of India after the 1st day of June next.

Domestic Occurrences.

BIRTHS.—At Kaira, on the 12th Instant, the Lady of R. Keays Esq. C. S. of a Son.

At Poona, on the 15th Inst., the Lady of Capt. Goodenough 26th N. I. of a Daughter.

Marine Department.

Bombay Castle, 10th March 1841.

No. 26 of 1841.—The leave of absence granted in General Order, No. 4, dated 16th January last, to Mr. F. Bone, Clerk of the Indian Navy, to proceed to Mahableshwur, on sick certificate, is extended on the same account to the 31st instant.

Bombay Castle, 13th March 1841.

No. 27 of 1841.—With reference to General Order No. 10, dated 12th ultimo, Assistant Surgeon Ranclaud, Port and Marine Surgeon, is allowed an extension of leave until the 31st instant.

By order of the Hon'ble the Governor in Council,
P. M., MELVILL, Lieut. Col. *Secy. to Govt.*

ERRATUM.

In the Government Gazette of the 11th instant, page 159, G. G. O. No. 166 of 1841, for, Major "Johnson" read, Major "Tomlinson."

NOTIFICATION.

Notice is hereby given, that it is the intention of the Honorable the Governor in Council, to despatch a Steamer, with a Mail for Suez, on Thursday the 1st of April next.

By order of the Hon'ble the Governor in Council,
P. M. MELVILL, Lieut. Col. *Secy. to Govt.*
Bombay Castle, 5th February 1841.

Notice is hereby given, that it is the intention of the Honorable the Governor in Council, to despatch a Steamer, with a Mail for Suez, on Saturday the 1st of May next.

By order of the Hon'ble the Governor in Council,
P. M. MELVILL, Lieut. Col.
Bombay Castle, 12th March 1841.

Shipping Arrivals and Departures.

SAILED.

March 16th, Ship Sir Edward Paget, P. Camble, Master, to London.

Do. 17th, His Highness the Imaum of Maseats Brig Nassree, Mahomed bin Ebrahim, Nacodah, to Sea.

Shipping in the Harbour.

H. C. VESSELS.	E. I. C. STEAMERS.
Receiving Ship Hastings.	Indus.
SCHOONERS	Auckland.
Taptee.	Cleopatra.
Royal Tiger.	Berenice.
BRIG.	Sesostris.
Palinurus.	

Merchant Vessels.

ENGLISH.	
Charles Grant.	Simon Taylor.
Hugh Walker.	Champion.
	Chieftain.
COUNTRY.	
Cauderbux.	Arab.
Pittamber Savoy.	Drongan.
Caroline.	Roopnulay.
Colonel Newal.	Yatch Prince Rigent.
Essavie.	Asia.
Maria.	Amoody.
Ruby.	Dawlut Savoy.
Fanny.	Agnes.
Hydroose.	Jehangier.
Alexander Robertson	Wild Irish Girl.
Ruparell.	Malik-ool-Bahr.
Hamoody.	Cursetjee Cawasjee.
Caroline (Do.)	Shaw Allum.
Sophia.	John.
Cady Grant.	Futhel Barry.
Ratler.	Brigand.
Corsair.	Victoria.
Mary Gordon.	Kusrovie.
FRENCH.	PORTUGUESE.
LaAdele.	Brig (War) Cassador Africano.
Josephine.	Barque Marquis of Hastings.
ARAB.	Brig Simplicia.
Harsingar.	Brig Nuvo Viagente.
Lodease.	
Hamonshaw.	Wave.
Shawen Shaw.	Lancaster.
Fezrabany.	Carnatic.
Earl of Balcarras.	
Reliance.	
British Merchant.	
Hope.	

CORRESPONDENCE.

TO THE EDITOR OF THE BOMBAY GAZETTE.

SIR,—I wish you would ask your Brother of the *Times* what he really *did* mean in his severe article of the 13th upon the appointment of Dr. Brown to the General Hospital, instead of Mr. Duncan for between the 13th and 17th he appears to have had a vision, that he had stuck his spoon in the wall, and left off messing at Parell, which has induced him to perform certain awkward founderings to extricate himself but it is easier to slip in up to the chin, than to slip out again like "honest Iago" he affects *now* to fear that his "speech would fall into such Vile success, as his thoughts aimed not at." In order to settle this, let any one read his commentary of the 13th, and pronounce whether it can bear any other construction than that of the Governor having done a jobbing and unjust act in favor of his private secretary to the injury of Mr. Duncan with this clincher "and we believe on the *whole* that this is one of the greatest abuses of patronage that has for sometime occurred in this quarter" that such things are highly prejudical to the Interests of the Service, and hope that this act will not escape the notice of the Directors, and that the Bengal Government would more suitably employ themselves than in squeezing a few Rupees, by controuling the *misused* patronage of the Bombay Government," this is pretty well Dr. Hopkins? but hark to the repentant critic, who "regrets to find that reflections are understood to have been expressed in referrence to the nomination of Dr. Brown which were in fact as remote from the thoughts of the writer, as they would have been *misapplied* to the snbject, so *unjustly* supposed to be reflected upon"! poor innocent! all this after a *direct* censure of the particular case, and insinuation of jobbings in general, that require supervision and controul but I say let us hear him for at present he is in a Mess as a critical and independent journalist.

I am &c,
SPECTATOR.

"Nothing extenuate, nor set down aught in Malice."

THE GAZETTE.

Friday, March 19, 1841.

THE Sessions commenced yesterday, at the usual hour the Chief Justice took his seat on the Bench and the following Gentlemen were sworn in of the Grand Jury.

FOREMAN.

William Cunningham Bruce Esq.

George Pollexfen Esq.	Thomas Robert Richmond.
Francis Martin.	Thomas Lancaster.
George Simpson.	Dossabhoy Jamsetjee.
James Wright.	Manockjee Limjee.
Robert Lindsay Leckie.	Dossabhoy Framjee.
Arthur Bedford Orlebar.	Ragoba Jewajee.
Archibald Spens.	Hormusjee Dadabhoy.
John Alexander Russell.	Mahomed Ally Rogay.
Edward Lyon.	Luximon Govindjee.
William Walter Cargill.	Crustnath Narronjee.
David Miller.	
Reginald Frederick Remington Esq.	

The Chief Justice then charged the Jury very briefly. He alluded to the lightness of the Calendar there being only twelve Cases on the List. He drew the attention of the Jury to two Cases. One of Radna Kissen who stands accused on three different indictments 1st for Forgery, 2nd Embezzling and Stealing a certain valuable security, and 3rd Stealing a Bill of Lading.

The learned Judge gave a sketch of the Case which is shortly this. The Prisoner had been a Clerk or Agent in a Native Firm and proceeded on board "The Mor" which had arrived from China, and produced a Bill of Lading to the Chief officer for a Box of Dollars, which he obtained, and the Box was subsequently discovered by the owners at the Custom House in charge of a Cooley employed by the prisoner. The Judge remarked that a Bill against the same person had been ignored by the last Grand Jury and he was not aware of any fresh evidence in this case. The other case mentioned by his Lordship referred to a case No. 10 in the file of Succarara Ramchunder who stands indicted with "An assault with intent to rob." The case was this.

A Woman and her child went to a caste feast, during which the mother missed her Child and a man met the Prisoner with it in his arms, and saw him trying to force off an anklet while the child was crying very much. on being interrogated he said." The child was his own "This not being believed, he was handed over to the Police, the Learned Judge laid down the law as regards child stealing and its penalties and said the indictment in the present case had been made of "An assault with intent to rob" in preference.

The Jury then retired and after some delay returned into Court and declared that a True Bill was found against Junnoo Balsett for "Larceny from his Master."

The Court was then adjourned until Friday (to-day) at 10 o'clock.

The following is a list of the cases sent up to the Grand Jury.

No. 1. Radha Kissen.—for Forgery.
Do. do. do.—Embezzling and stealing a certain valuable security.
Do. do. do.—stealing a Bill of Lading.
Do. 2. Hossein bin Mustapha.—Larceny.
Do. 3. Junnoo Balsett.—Larceny from his Master (bill found.)
Do. 4. Purmanund Kheema Meerana Kheema and Lakha Kheema.—Larceny from their Master.
Do. 5. Bhawoo Newajee.—Stealing in a Dwelling House to the value of 50 Cos. Rs.
Do. 6. Budrodeen Goolam Hossein Alias Abdool Loocman—Allibhoy and Hussein Lalljee—Breaking and entering a dwelling House and stealing therein.
Do. 7. Rama Yemajee.—Stealing from the person.
D. 8. Mullick Osman.—Stealing in a dwelling House to the value of 50 Cos. Rs.
Do. 9. Soonea Goonea.—Stealing in a dwelling House to the value of 50 Cos. Rs.
Bappo Pandoo.—For receiving stolen property knowing them to have been stolen.
Do. 10. Succaram Ramchunder.—Assault with intent to rob.
Do. 11. Mahommed Khan Nathay Khan.—Breaking and entering a dwelling House and stealing therein.
Do. 12. Tarrachund Kussalchund—Hurrichund Maljee and Neusee Majee.—Receiving stolen property knowing them to be stolen.

After the adjournment of the Sessions the learned Judge retired, and returned into Court after a brief space, to receive notices of Motions. Mr. Cochrane and Mr. Campbell gave notice of motions after which the Chief Justice alluding to the Case of Messrs, Forbes and Co. in the late Petition spoke as follows.

ON the morning of the 3rd of March a Newspaper, the Bombay *Times* was left at my house. It contained an article referring to what took place respecting a petition on behalf of Messrs. Forbes and Company brought before me in Chambers, and on which Petition I endorsed my reasons for refusing the application. A Motion was afterwards made on the part of Messrs. Forbes and Company that such Petition, having my observations so endorsed thereon, might be taken off the file. The article contained the following words. "We have "no intention of at present entering on the "merits of the question discussed, but we "must beg to call the very particular attention of our readers to the language "made use of by the Judge in discussing "it; language which may be quite consistent with the practice of Colonial Judicature, as indeed Bombay itself could "in this way furnish very strange precedents, but from "an approach to which, "we feel assured any Court of respectability within the Empire would shrink."

Every Lawyer will agree that the publication of such language is a gross contempt amounting in the fullest sense to what is termed "scandalizing the Court" and using words importing scorn reproach or "diminution of the Court." I may well be called upon to punish such an offence, and should have accordingly acted without delay, but that being conscious that one moment must cloud my judgment, I resolved not to act hastily, and determined to wait till this day the 18th of March. I was also nearly certain that Sir Erskine Perry would arrive here by the 14th or 15th of March: had he done so, I should have been chiefly guided by his opinion: in his absence I must act alone.

An affidavit by Ballerustna Cassinathjee states that on the 9th of March, he purchased the Newspaper thereto annexed at the Office of the "Bombay *Times*" Newspaper, and an affidavit by Burjorjee Nasserwanjee shows that Charles Binny Skinner, Henry George Gordon, Francis Martin, James Calder Stewart, Robert Smith, Frederick Maitland Davidson, John Alexander Russell, Thomas Cardwell, James Wright, Thomas Robert Richmond, and Framjee Cowasjee, all of Bombay Merchants, and William Mackie of Bombay Surgeon, and William Howard, and Willson Austin Montriou Barristers at law, are or previous to the publication were, joint proprietors of the Newspaper in question.

Mr. Howard and Mr. Montriou I believe I may assume that neither of you were knowingly, or intentionally a party to this publication (Mr. Howard and Mr. Montriou respectively disclaim having been so)

It is but justice to you and to myself to say, I never for one moment thought you knew anything about it. You are aware that a proprietor is responsible criminally as well as civilly for the acts of his co-proprietors, servants, or Agents for misconduct in the conducting of a newspaper, but my object is merely to vindicate the Court, and in directing that no measures be adopted towards you respecting this affair, I do no more than I should do by any other person, who being a Co-proprietor disclaimed having been intentionally or knowingly a party to the publication, or who having been wilfully a party to it, intimated that he felt regret for his conduct.

On reading the affidavit of Balcrustna Cassinathjee, the article in the newspaper called the Bombay *Times* thereto annexed begining with the words. "At the request of Messrs. Forbes and Co. and ending with the words, "a society of Gentlemen"—and also on reading the affidavit of Burjorjee Nasservanjee as to the persons who are joint Proprietors of the Newspaper, it is ordered that Charles Binny Skinner one of the Proprietors of the said Newspaper called the Bombay *Times* do attend the Court on Saturday the 27th instant at the hour of eleven in the morning, to answer for, publishing or causing to be published in the said Newspaper the said article unlawfully and in contempt of this Court.

A like order is also made with respect to each of the other persons, excepting Mr. Howard and Mr. Montriou mentioned as joint Proprietors of the Bombay *Times* Newspaper in the affidavit of Burjorjee Nasserwanjee, separate orders, one for each person named as a Proprietor must be drawn up and personally served.

There is another article in the same newspaper to which although objectionable, I do not object, for it is written in a very different style and spirit. The impropriety of my having entertained suspicions in the case of Messrs. Forbes and Company and of my having recorded them, by which the writer must mean my having endorsed them on the petition, is there in alleged. I feel much satisfaction in stating that before the end of the last term Sir John Awdry informed me that, "*should the matter again be brought forward, he would avail himself of the opportunity to say that the parties had only got what they had laid themselves open to*"—This he told me without any canvassing or solicitation on my part—Were he here this day, I have no doubt he would express himself to the effect I have stated—That he used the words I have ascribed to him I have no doubt—He used others also, which certainly did not qualify those already mentioned—I do not profess to give those other words, because I am anxious to keep within the mark, and I am uncertain whether he would have given such futher expressions to the public had the matter again come before him.—

No suspicions or observations on my part can affect any one except so far as they may be warranted by circumstances. In the particular case my observations were founded on the notorious fact frequently commented upon by Judges here, that for years there has been a struggle to conceal Wills and Estates of deceased persons from the Registrar. The files on the Ecclesiastical Side of the Court will in a great degree show that Messrs. Forbes and Company have taken a leading part in such struggle, and the inventories or accounts filed by the administrators show, that although Merchants in general I believe, only charge a very trifling Commission on transactions in Government Securities, yet in respect of monies invested in Government Paper belonging to the Estate of a deceased persons their charge is as great as that made by in the Registrar, namely 5 per Cent, In my opinion too high a Commission. In all other respects also, as far as I can ascertain from the accounts filed, or otherwise the charges made by the Registrar for administering are the same as—and no higher—than those made for administration by other persons. That a different impression has been and is abroad, I am aware, impression that I now enter upon the subject. The letter of Messrs. Forbes and Company to the father of the deceased, might well keep alive or engender such impression, for it recommended that the father should empower them to supercede letters of administration if granted to the Registrar, and to what purpose, if no saving should thereby accrue to the estate?

In addition to all this there was the lapse of time since the Testators death. The taking out a prerogative administration a most unnecessary and improper expense—a most questionable proceeding especially as although bona notabilia were alledged, all the property was in this Country, and although it was alleged there was no residuary legatee named in the will—the father—the very next of Kin himself was named residuary legatee.

On such grounds I suspected and expressed myself accordingly. I am upheld by Sir John Awdry's opinion, "that the parties only got what they had laid themselves open to."

Still, upon their moving to take the petition off the file, I should have added nothing to the observations endorsed thereon, had not the justice of those observations been called in question—had not the parties so contrived that I should be, as I observed at the time put upon my defence, for it is a fallacy to talk of my having given judgement in the matter, the judgement was Sir John Awdry's. Had not every feature of the proceeding, and the time place and mode of bringing it on denoted that such proceeding was brought forward as an attack on me when upon the bench, and not merely as alleged in this Second Article in the Times News paper of the 3rd of March "to remove the suspicions which so tenaciously clung to me."—During the proceeding I frequently expressed that such was the impression on my mind, and the counsel for the parties did not, and could not intimate that such impression was erroneous.

Even now for certain purposes it may not be too late to set me right, if I was in error, Mr. Crawford, you were counsel for Messrs. Forbes and Company on the occasion. I do not ask you to say the impression I have alluded to was correct, or indeed to make any reply but if you can say you did sincerely believe at the time the application was made that such impression was erroneous, I shall be happy to hear you say so.

(Mr. Crawford after some discussion says it is not in his power to say so?

Well then, in future if any think the castigation was severe they may perhaps be also of opinion that the provocation was great.

Another Bombay *Times* Newspaper was published on the 6th of March. It contained a letter purporting to have been written by Mr. Charles Forbes to the Editor. The matter is not judicially before me, for I do not wish to take any strong measures respecting it, and now merely mention it, because in that letter Mr. Forbes is represented to observe he was entirely dependant on the skill and discretion of his proctor. It does not appear on my notes, but I well recollect that I did impute blame to the proctor for not having prevented his client from swearing the affidavit. As there were reporters in Court their notes will probably confirm my recollection of the matter. I feel that great allowances should be made for Mr. Forbes, and beyond the having made an affidavit in an apparently careless manner, I impute nothing whatever to him. His letter, if it be his letter, is in some respects a very fair letter under the circumstances, and making due allowance for the feelings of a gentleman, which I regret my view of the matter occasioned me to wound.

I would add that I never heard Mr. Forbes had any where spoken of my judicial conduct.

Another Newspaper called the Bombay Courier was published on the 9th of March. Another affidavit made by Balcrustna Cassnathjee proves that he purchased it on that day at the office of the Bombay Courier. It also contains an article on the subject, for the publication of which, all parties engaged in it should be punished.

The second paragraph is as follows.

"The first point that presents itself to our notice is the inclination evinced by the Court to support the interests of the Ecclesiastical Registrar by discouraging to the utmost all claims to administration of estates brought forward by those who though next of kin to deceased persons nevertheless enjoyed their confidence when alive; and as Agents were trusted by them with the management of their most important pecuniary concerns. The only excuse which can be advanced by the Court for showing this partiality to the Registrar is that the duties will be more expeditiously and satisfactorily performed by him as a public officer than by any private Agent. With the view of enabling our readers to form a correct opinion on this head, we beg to call their attentions to the following extracts from the "*Bombay Courier*" of the 26th March, and 2nd April 1836."

That using such language is a contempt the profession will agree, but I am chiefly anxious to disabuse the Public regarding administrations by the Registrar, and therefore shall in the first instance observe upon some matter the article contains.

[illegible] to support the interests of the Ecclesiastical Registrar by discouraging to the utmost all claims to administration of estates by those who, though not next of kin to deceased persons, nevertheless enjoyed their confidence when alive. My conduct in the particular case can hardly warrant this imputation. Had such inclination existed, I might, in the instance in question have fully indulged it, for the power of Attorney to Forbes and Company merely authorised them to act on behalf of the next of Kin in collecting and administering the estate, but did not authorise them to take out administration with the will annexed, and the document produced from the prerogative Court was such as could have no weight here. Therefore and especially as expence had been incurred in improperly procuring that document from the Prerogative Court, administration with the will annexed might have been altogether refused to Mr. Forbes and granted to the Registrar. Instead of pursuing that course, is stated in my observations as follows. "Though not present, he (the next of "Kin and residuary legatee) has sent a "power of attorney authorising the petitioner not indeed to take out administration with the will annexed, but to "act on his behalf, in administering the "estate. The statute 55th Geo. III C. 84, "gives a discretionary power to the "Court, the words being, "or any other "sufficient authority to be shown to the "satisfaction of the said Court." "Therefore I think in this instance if an application be duly made, administration "with with the will annexed may be granted to Mr. Charles Forbes."

But further had I any undue anxiety for the interests of the Registrar, I should hardly have observed as I then did, and since have done, that I thought the Registrar received too high a commission in respect of property vested in Government Securities, and it is within the knowledge of some professional gentlemen present, that I have said it should not be my fault if such rate of commission remained undiminished.

The next paragraph asserts the impropriety of allowing a commission of 5 per cent to the Registrar, he having no increased responsibility, it is alleged, inasmuch as he pays all that he receives into the hands of the Accountant General and runs not the smallest risk of any loss." It is strange the writer of this article did not reflect that houses of Agency take exactly the same commission as the Registrar, whether upon money invested in government Securities, or in other property. The inventories and accounts filed on the

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Ecclesiastical side of this Court show that such is the fact. If the Registrar be not entitled to commission, why should Houses of Agency? Are they to be so entitled because they do NOT pay over the funds to the Accountant General, but keeping them in their own hands, incur responsibility, and employing the funds in their trade run the risk of loss! As I have said I think the Rigistrars Commission too high in respect of money invested in Government Securities, but Houses of Agency charge the like commission and no less.

In another part of the articie it is mentioned there was an instance in which the Registrar took out administration to an estate, although letters from the next of Kin received Overland, were in Bombay advising the transmission, viá the Cape, of powers to other parties.

I am not aware wheiher there were any circumstances in the case, to warrant a refusal to permit further delay,—nor is it for me to deny there may have been misconduct or over haste on the part of the Registrar. I know, and the recollections of the profession will bear me out, that upon one occasion in Chambers and I believe in relation to this very case of Messrs. Forbes and Company, I expressly stated the Court would not grant administration hastily to the Registrar when a person entitled to probate or administration might have timely notice. It is obvious however that unless Estates are more cheaply managed by others than by the Registrar there is little induce ment to delay granting administration to him.

In the case spoken of in the *Courier* as that in which the Registrar took out administration, notwithstanding notice of transmission of powers to other parties, it is said the funds were paid over to him, to be recovered back immediately minus five per Cent. Under the 55th of Geo. 3rd Chapter 14 Section 3, where letters of administration granted to the Registrar are revoked, the Court has power to direct that the whole or *a part only* of the usual commission be allowed to the Registrar, regard heing had to his trouble and responsibility and the Service he has rendered. Sir John Awdry and I have more than once publicly stated from this Bench that no application to diminish the Registrar's Commission under this clause in the statute had ever been made to our knowledge, and that therefore we concluded the rates of commission charged by the Registrar and Houses of Agency were the same. It is chiefly to disabuse the public in this respect that I have thus entered upon the matter, although the profession may think it an unbecoming condescension. But I wish administration by the Registrar are no higher than those made for administration by houses of Agency. That he is not allowed to keep balances in his hands, or employ the funds in trade or speculations, but is obliged to invest the funds in Government Securities or deposit them with the Accoubtant General. That empowering others to administer instead of the Registrar is not attended with any saving to the estate,---that on the countrary, the framing and sending from England Powers of Attorney, Affidavits and Certificates, or erroneously taking out Grants of Administration in England may be measures detrimental in proportion as they are costly,

In another part of this article of the *Courier* it is said "He (Sir Henry Roper) "has alluded to the conduct of Parties not "before the Court in a manner highly re-"prehensible and we understand that a "much respected Civil functionary has "applied to Government for protection." This refers to my observation that in a recent case, the Accountant General of the East India Company having concealed from the Registrar that he possessed Government Paper belonging to the Estate of a deceased British subject, a loss of some thousands of Rupees had accrued to the Estate. I would now observe that I believe the last Accountant General was not Accountant General when the loss accrued, and I do not believe the concealment of the possession of the Paper by by the then accountant general was wilful or intentional. But the last accountant General expressly resisted and denied the right claimed by the Registrar to information upon such subject. The matter was brought before the Court by the officer of the Court, and was publicly commented upon by Sir John Awdry from the Bench, and communication made to the Government regarding it. I should be very unfit to sit here were I capable of shrinking from taking notice a of matter which had thus been before the Court on a former occasion and which was so illustrative of the question.

Another affidavit by Balcrustna Cassinathjee states "that on the 9th of March he purchased the Newspaper thereto annexed at the office of the Bombay Courier Newspaper and another affidavit by Edward Armitage states that Humphrey Francis Boaden and Jamsetjee Jejeebhov and the Partners in the Firm of Messrs. Remington and Company namely Henry Fawcett, Thomas Wingate Henderson, Robert Wigram Crawford, Reginald Frederick Remington, and James Remington Hadow are and on the 9th of March last were joint proprietors of the Courier Newspaper. Upon reading the affidavit of Balcrustna Cassinathjee the article in the Newspaper called the Bombay Courier thereto annexed commencing with the words "the period of the retirement" and ending with the words "records of the Court," and on reading the affidavit of Edward Armitage it is ordered that Humphrey Francis Boaden one of the Proprietors of the said Newspaper do attend the Court on Saturday the 27th instant at the hour of eleven in the morning to answer for publishing or causing to be published in the said Newspaper the said article unlawfully and in contempt of this Court, A like order is also made with respect to each of the other persons mentioned in the affidavit of Edward Armitage as joint Proprietors of the Bombay *Courier* Newspaper, seperate orders, one for each person named, must be drawn up and personally served.

I wish it to be intimated to the two native gentlemen mentioned as Proprietors of these Newspapers that as I assume they have not been wilfully partis to the publications I shall not require their attendance. My object is as their names have been mentioned in the affidavits, to give them an opportunity to reply or deny the matter imputed to them if they wish to do so. They can attend if they like, but should they not attend I shall not proceed against them in their absence, or adopt any measures against them. They must bear in mind however that the Proprietor of a Newspaper is answerable criminally, as well as civilly, for the acts of his Copoprietors servants or Agents, for miscouduct in the conducting of a Newspaper, and that in the event of any further offence they will not be considered excused by ignorance. but may be punished by fine or imprisonment or both."

The learned Judge added also that he will not require the parties cited to make affidavit, but will be quite satisfied by their making a verbal declaration of not having countenaneed the articles in the *Times* or *Courier*.

WHEN the Judge had concluded his observations Mr. Malcolmson of the Firm of Messrs. Forbes and Co. addressed the Court, and although the Chief Juetice at first was averse to hearing him he finally was listened to. As far as we can recollect, he stated "That he advised the proceedings in Court and not his Partners, and that as far as he was concerned, and he spoke for himself, he disclaimed all personal feelings.

The Chief Justice said he could only made before.

WE have received Bengal papers to the 8th, Madras 11th, and Ceylon to the 2nd Instant.—In the Calcatta papers the chief subject alluded to is the Grand Theatrical dinner which took place on the evening of Saturday the 6th Instant, under the most favorable circumstances. About Eighty admirers of the Drama sate down to Table J. M. Turton Esquire in the Chair. Supported by Sir J. P. Grant, Mr. Hume, Major Burton, Captain Sewell and others, the dinner passed off with the greatest eclat, and after came the speeches, the chief attraction of the Evening was the oratorial prowess of the Chairman, all subjects alike the Queen, the Drama, the Governor General and family, the Judges &c. &c., appear to have been treated with that fluency of speech, that pleasing and easy manner, for which Mr. Turton is so justly celebrated, In returning thanks for the honor of his health having been drank, Sir J. P. Grant said "*He himself had been an Admirer of the Drama and was ever ready to promote its interests, being assured, and he spoke emphatically, that in doing so he promoted the interests of morality.*

"He looked upon the Drama as a great instrument of civilization and refinement; and, as one, if his learned friend, the chairman, would permit him to use a professional expression, of the *Custodes Morum* of this city, he had viewed, with pleasurable feelings, the erection of the New Theatre, certain as he was that it would prove a benefit to Society at large."

Here we have the opinion of one who was formerly chief Justice at this Presidency in favor of Theatrical entertainments and that because they "*promote the interests of morality.* It has been been affirmed by many in Bombay that a Theatre has a different tendency, Our ideas have repeatedly been placed before the public, We are ardent Admirers of the Drama, and as such will ever advocate its interest. What a contrast this entertainment presents to the apathy that is shewn by all classes of the Community here. Do those who have it in their power, come forward with that laudable desire, to promote the amusement of the people, that their Calcutta Brethren have done? No, alas, there is a weakness, which is totally unaccountable. The Epidemic of fear is most amusingly displayed in all countenances when the subject of a Theatre is brought on the tapis, fear "of offending superiors" is the fear we speak of, and nine out of nearly every ten that we spoke to some time back on the subject, immediately we mentioned it, appeared in that highfunking condition which is inexplicable. We however sincerely trust that this disease is now abating. We are convinced that it does not require argument to prove, that Theatrical entertainments elevate the mind and improve and regulate the morals of the people. If a Theatre is once erected and placed under fitting and responsible direction, nothing will be urged against it when it has been proved that it is the promoter of all kindly feelings. It would alsoat certain seasons, serve the cause of charity, afford innocent pleasure and improve the best feelings of the heart. It would look much better, if those who are so constantly trying "a LaMawworm," to restrain our improper gratifications, would show themselves equally ready to assist such as are laudable.

The Madras Papers gives us the arrival of the "Larne" with all the China News which will be found under their proper head, there is nothing more of importance. The Ceylon Papers are equally uninteresting.

OUR contemporary of the Times in a Leader says "we have not been so well lectured "and so much edified during our Bombay ex-"perience as by the longitudinous commenta-"ry in Monday's issue of the Gazette upon "our observations "&c. (vide *Local* ex-"tracts.") we are very glad our Contemporary considers himself well lectured, and his edification also appears in another part of his Paper under the head "CIVIL AND MILITARY AND NAVAL SERVICES" where he sings out a sort of *peccavi* to Dr. Brown, and is thankful that he (The almighty Journal, the mercantile 16 Barelld organ of Bombay) can hymn the praises of our rulers and "commend more frequently than censure." How truly satisfactory this must be to Sir James Carnac to find that the discriminating Bombay Times looks forward to a time when he the Governor is not only to be perfect himself but to be surrounded with perfections. The Honorable Messr. Anderson Dunlop Crawford and Sir Thomas McMahon may then live in hopes of attaining the ideas of Perfection entertained by that Journal, and blessed enviable state enjoy the approbation (of Heaven?) no but of the Times. But our stoney hearted Brother has no ruth no pity, until the elixir of perfectability has been quaffed by the Governor and Council, until then he is going to blow hot and cold just as the ague fit of his discrimination dictates, and to prove his intention he tries to blow hot to Dr. Brown personally, while he puffs a cold blast at the patronage which puts him in a situation which he merits—Moreover our Brother mistakes the right of appointments altogether, we shewed, (and we have been told successfully) that the appointment in question has not before been one of *succession*, but *selection*. Surgeons the same as they rise to the rank, are [illegible] Field Officers in the army when appointments such for instance as the charge of a regiment, but in medical staff appointments, the whole army might as well call out because asubaltern gets on the staff while numbers of Captains and Majors to, are and have been all their lives in a regiment, as the Times a tack the appointment of Dr. Brown. If there was any notorious incapability or unfitness for the situation it would have become the public virtue of the Times to have called public attention to the matter, but in the case in question there was every eligibility for the situation. The Nominee had been assistant in the General Hospital and was therefore well qualified for its Chief. With the services of other Surgeons we have nought to do, doubtless they have had their reward. Dr. Duncan whose name has been prominently brought before the public is as is well known a man of literary talent and wrote some very clever statistical articles in "the Bombay *Times*" about a year ago. We believe he is worthy of every promotion, but we think he will not feel indebted for the way in which he has been drawn before the public, although the sensitve aspirations of the *Times* that his remarks "*may not have drawn down the ire of authority upon him*" is a touch of the sublime, and must provoke a smile at the self esti mation of the writer.

But our brother has not only fired off two articles at us but has got an M. D. to throw himself into the discussion, and he after stating that the Medical Establishment are grateful to us, for our statements of the services of Surgeons Brown and Duncan, asks us to give a similar parallel of Surgeon Scotts Services. Now with his appointment as acting, we have nothing to do, and it is a sign of a weak argument when a writer shuffles from the question to run into other matter, and bring other names into the discussion (This savour too of the spirit of the remarks of the Times.) We again unhesitatingly say that the appointment of Dr. Brown has as we have been assured by *many medical* men given great satisfaction to the service—Of course there are always some disappointed candidates, some carping men who repine at others good fortune, Such we might with equal good taste suppose MD to be, as he to imagine that we have any "*hope of, some important favor*" from Dr. Brown, urging us to defend his present appointment. We have taken up the matter on an honest and independant view of the case, and when we feel that our independance, cannot be maintained we will resign the labourious tasks of editorship and court the cooler and easier paths of patronage. Until then we despise the sneers which can attribute interested motives to a public writer, and fear that disappointment and envy have caused the pen of that correspondent to flow with gall who graduates himself an MD. in the pages of the Times.

CHINA.

Macao 11 *Feb.* 1841.

With reference to our Circular of 18th and Captain Elliot's, of the 20th ulto. we regret to report that the preliminary arrangements therein announced are still in suspense and trade continues still suspended with the utmost uncertainty as to when it may be re-opened which it ought to have been on the 2d instant. Kishen's arrangements are exceedingly unpalatable to the local authorities and people of Canton, who have all along confidently stated that they would not be sanctioned by the Emperor; which is strongly confirmed by the warlike preparations going on at Canton and it is now said a new commissioner is on the way to supersede Kishen. He himself still keeps up friendly appearance with Captain Elliot, who left this yesterday to meet him within the Bogue professedly for the purpose of concerting final arrangements for the management of business at Canton. But it is the general opinion of the community that matters cannot be arranged for some time yet, and that more fighting will possibly be required.

We exceedingly regret this uncertainty; for which, however, we in some measure prepared you in our Circular of the 18th ultimo.

The smuggling of Tea goes on with increased facility but the qualities brought down are inferior and prices exceedingly high. The *Chieftain and Parrockhall* are nearly laden for England with teas obtained in this manner.

From the Canton Register, 9th Feb.

Proclamation by Charles Elliot, Esquire, a captain in the royal navy superintendent of the trade of British subjects in China, and holding full power under the great seal of the United Kingdom of Great Britain and Ireland, to execute the office of her Majesty's commissioner, procurator. and plenipotentiary in China.

The island of Hongkong having been ceded to the British Crown under the seal of the imperial minister and high commissioner Keshen, it has become necessary to provide for the government thereof, pending her majesty's further pleasure.

By virtue of the authority thereof in me vested, all her Majesty's rights, royalties, and privileges of all kinds whatever, in and over the said island of Hongkong, whether to or over lands, harbours, property, or personal service, are hereby declared, proclaimed, and to her majesty fully reserved.

And I do hereby declare and proclaim. that pending her majesty's further pleasure, the government of the said island shall devolve upon, and be exercised by, the person filling the office of chief superintendent of the trade of British subjects in China for the time being.

And I do hereby declare and proclaim that, pending her majesty's further pleasure, the natives of the said island of Hongkong and all natives of China thereto resorting shall be governed according to the laws and customs of China, every description of torture excepted.

And I do further declare and proclaim, that, pending her majesty's further pleasure, all offences committed in Hongkong by her majesty's subjects, or other persons than natives of the island or of China thereto resorting, shall fall under the cognizance of the criminal and admiralty jurisdiction, presently existing in China.

And I do further declare and proclaim, that, pending her majesty's further pleasure such rules and regulations as may be necessary from time to time for the government of Hongkong, shall be [illegible] ing the office of chief superintendent of the trade of British subjects in China for the time being.

And I do further declare and proclaim that, pending her Majesty's further pleasure, all British subjects and foreigners residing in, or resorting to the island of Hongkong, shall enjoy, full security and protection according to the principles and practice of British law, so long as the shall continue to conform to the authority of her majesty's government in and over the island of Hongkong, hereby duly constituted and proclaimed.

Given under my hand seal of office, on Board of her majesty's ship *Wellesly* at anchor in Hongkong Bay, this twenty-ninth day of January, in the year one thousand eight hundred and forty. one.

GOD SAVE THE QUEEN,

L. S. (Signed) CHARLES ELLIOT,

(True Copy) EDWARD ELMSLIE,

Secretary and Treasurer to the Superintendent of British trade in China.

PROCLAMATION.

Bremer, commander-in-chief, and Elliot, plenipotentiary, &c. &c., by this proclamation make known to the inhabitants of the island, of Hongkong, that island has now become part of the dominions of the Queen of England by clear public agreement between the high officers of the Celestial and British courts: and all native persons residing therein must understand. that they are now subjects of the Queen of England to whom and to whose officers they must pay duty and obedience.

The inhabitants are hereby promised protection in her majesty's gracious name, against all enemies whatever; and they are further secured in the free exercise of their religious rites, ceremonies, and social customs; and in the enjoyment of their lawful private property and interests. They will be governed peuding her majesty's further pleasure according to the laws, customs and usages of the Chinese (every descriptions of torture excepted, by the elders of villages, subject to the control of a British magistrate; and any person having complaints to prefer of ill-usages or injustice against any Englishman or foreigner, will quietly make report to the nearest Officers, to the end that full justice may be done.

Chinese ships and merchants resorting to the port of Hongkong for the purposes of trade are hereby exempted, in the name of the Queen of England from charge of duty of any kind to the *British* government. The pleasure of the government will be declared from time to time by further proclamation; and heads of villages are held responsible that the commands are duly respected and observed—Given under seal office, this 1st day of Feb. 1841.

INTELLIGENCE FROM CANTON. *February 8th*—The latest news from Canton dated yesterday indicates a wavering on the part of the high commissioner, *Keshen*, to fulfil his engagements with Captain Elliot. It is reported that an imperial edict has arrived in reply to *Keshen's* report of the capture of the forts, the tenor of which is extremely hostile to the English; and that *Lin, and Tang* are ordered to be taken into the Official confidence of *Keshen* as to the settlement of affairs!" If the reports from Canton are correct, it would appear that although *Keshen* assured the Bpitish plenipotentiary that all should be arranged, according to the conditions of the circular issued by H. E. under date the 20th ult., those conditions have never been ratified by *Keshen* affixing his official seal to them.

CALCUTTA.

ENGLISHMAN, MARCH 5.

A private letter from an officer in Cutch Gundava, dated 13th February, supplies with intelligence of an interesting character from Herat and Scinde. We have already given a part of the substance of the latter, from another correspondent; but as the present letter is more in detail, we do not hesitate to offer it to our readers without deduction or alteration:—

'*Camp near Bhag*, 13*th Feb.* 1841, *in Kutch Ghundava.*—

Last night a dispatch was received by the Political Agent, Mr. Ross Bell, from Major Rawlinson at Kandahar, and which was forwarded to the Government of Calcutta and Bombay, stating that Yar Mahomed had invited the King of Persia to send an army to take possession of *Herat*, and that it *is certain* that that Army has been formed, and either is on its road to, or will be immediately for, Herat. It is stated that there is no manner of doubt of this fact—and that it will be at Herat before any Force from Scinde can get there, Major Rawlinson has written facts in very plain terms, and there is nothing left if our Government mean to have Herat in our influence, but to send an army to get hold of it, and of course Lord Auckland won't hesitate what course is to be pursued.

'I am glad to say Mr Ross Bell has got all the chiefs of this country to submit to British rule. Beebee Ganjan and some Chiefs joined his camp at Lehree about 8 days ago, with many of the family of the Khelat chiefs. She has seen the Political Agent, and appears extremely well satisfied with his polite attentions and by relieving her wants, for it is said by Lieut. Curties, Comdg. irregular Horse, to whom she first came in, that she and those with her had not the necessaries of *life*. She and her whole party are gone off to Mairee quite delighted, and from thence they are to go, all of them, and reside for the *present* at Gundia until further arrangements are made. I am also glad to say that Gool Mahomed and Essor Khan Kysance, went about 16 days ago to Lieut.-Colonel Stacy, the Political Agent at Kelat, from Nussur Khan, and all matters have been arranged for the unconditional submission of Nussur Khan; and Colonel Stacy. with those three persons, are on their way to Bhag, to meet Mr. Ross Bell, who has been here some days, where he means to remain with General Brooks until all is finally settled with all the chiefs. The Murrees did all that has been requested of them. They had been in a dreadful fright for months past; they actually kept mounted horsemen all the way from Shikarpore at every 5 miles, to their mountains, to give them information of all our movements, &c., and no doubt had agents in our camp. At Lehree, while Mr. Bell was there, they had mounted horsemen posted at every 2 miles. So very much were they afraid of an attack that they would not trust a chief near us. One came within a few miles for the purpose of meeting Mr. Bell, but got frightened and went back. Capt, Browne was sent after him—but did not get near him until within 8 miles of the Murrees' camp, and brought the young chief to Mr. Bell, with a host of his people, when all was most satisfactorily settled. [illegible] occupied the fort of Kahun, since Captain Browne and his party left, but had all their property packed up ready to put on camels, and to move into the back mountains, the moment any move of our people was made towards them Some of your papers, I think do not give Mr. Ross Bell credit for what he really deserves. He certainly is settling matters, in the best possible way, but knows that it will be madness to leave this country without a strong force for a year more to come. We are all in high spirit watching for Lord Areckland's order march with at least to three parts of the Upper Scinde force for Herat, and I think a moment should not be lost. The weather in the day is getting very hot. The thermometer in a good tent is at this moment (12 o'clock) 88: I hope we may reap laurels at Herat. Letters also say from Kandahar that the chiefs around that country are in a *very* disturbed way against the present government—and nothing less than a strong force kept up by us can keep it down. There appears a general determination to drive the English out of that country. This is the time to put all such opposition down. We have the means here, and I hope the Governor General will not lose the opportunity of putting a final stop, which looks like armed opposition to British measures in Affghanistan.

HURKARU, MARCH 5.

As every thing regarding the gathering of Troops, their condition, and expectations, in the northern stations, are just now matters of interest, we give a prominent place to the annexed intelligence. It will be seen that the Kurnaul writer has not yet learnt the fate of the 2nd Cavalry; and we do not quite understand, why Colonel Wheeler's Brigade, which has been halted at Loodhianah should proceed downwards to Kurnaul.

Our correspondent says "all the troops now here are likely to remain, and others are expected from the lower stations, in addition to the European Regiment, the 48th N. I. and, if these may be classified as fighting men, the 2nd Cavalry; though how they are to be accommodated is difficult to imagine. It seems to me that they have the brilliant prospect (replete with heat as well as *light*) of being first burnt up and prematurely brought to "the sear, the yellow leaf"—and then being cooled by a plentiful down pouring of rain water."

From Ferozepore we learn, that the native reports from Lahore are rife with our intended march upon that country, and various abstruse speculations on "cause and effect," as connected with Mr. Metcalfe's late and brief visit to the station. The 64th Regiment was reviewed on the 20th and received the highest encomiums from Brigadier Paul. He his said to have observed, that he had never seen a regiment in a more perfect state of discipline, and to have particularly remarked upon the steadiness of the pace in marching; and on the well continued and

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rapid file firing which the gallant officer remarked, that he had "never seen better kept up by Europeans." This is high praise. We trust the best evidence of its being well deserved may be supplied at no remote day "across the border;"—if affairs in that quarter do, *indeed*, has we learn from every source, so imperatively demand our interference.

Some officers of the 3rd dragoons and 16th lancers, en route to Bombay had just arrived. Also, (to join the 60th,) Captain Cobbe lately acting, for some short time, as Deputy Judge Advocate General at Saugor;—and lastly Captain Lennox of the 43d returning on leave from Afghanistan.

MADRAS.

SPECTATOR, MARCH 10.

The Ship *Viscount Melbourne*, Captain M KERLIE, from London 26th October, arrived on Saturday.

Passengers for Madras.—Mr. and Mrs. Anderson, Lieut. Robertson 15th Regiment N. I., Mr. Hay, Cadet. Cavalry; Messrs. Crowdie, Murray, Elphinstone, Thomson, Triscott and Halkett;—for Calcutta, Mrs. Gouldsbury and Child, Mrs. Paterson, Mr. and Mrs. McLean, Miss Wallich, Captain Bidulph 45th N. I. Dr Murray, Assistant Surgeon Jowitt, Messrs. Robertson, Lukin, Burton Mills, Macharnit, Faithful and Reid;—Servants, Mrs. Conner, Rachel Pattie and 2 Ayahs.

The Barque *Clarissa*, Captain G. ANDREE, from Calcutta 20th February, arrived on Saturday.

Passengers.—G. Dick and R. White, Esquires.

H. M. Ship *Larne*, Captain BLAKE, from China 12th, Singapore 20th, and Penang 26th February, came into the roads yesterday morning, but without passengers. The Trade was not opened in China when she left.

The Ship *Nerbudda*, Captain F. PATRICK, from Tellicherry 4th, Colombo 17th and Point de Galle 19th ultimo, arrived this day; also the Brig *Catherine*, Captain FREEDOM, from Vizagapatam 26th February, the latter brings two European passengers.

The Bark *Indian Queen*, Captain J. D. SHERRVE, sailed for the Northern Ports and Calcutta on Sunday.

Passengers.—Mrs. Dods and Child, Major Dods, Ensigns Cannon, Condy and Bell; Revd. M. Bean.

The *Gazette* of yesterday evening, officially announces the retirement of M. SULLIVAN from the Company's Service on the 4th instant. "His Lordship in Council avails himself of the opportunity to express his sense of Mr. SULLIVANS valuable services as a Member of Council, and in many other important offices both at the Presidency and in the interior," and further "requests Mr. SULLIVAN to accept the expression of his thanks, and of his good wishes for his health and prosperity in his native land."

The official despatches of Sir GORDON BREMER on the capture of the Chuenpee and Tycock tow Forts, which are now published, do not of course add much to the copious accounts of this transaction which we before possessed. The affair was exceedingly well managed and both the sea and land forces went heartily to work and speedily effected the object in view in the most gallant style It is stated in the despatch that "the Chinese defended themselves, especially in the batteries, with the greatest credit and devotion," but this against an enemy so superior was of little avail.

The affair so far as it was carried, appears to have been well conducted, but why it should have embraced only the carrying of the two (comparatively) puny batteries of Chuenpee and Tycock-tow, while work so much more worthy of the British arms was ready for execution at the more formidable range of forts of Anunghoy appears difficult to comprehend.

The three seventy-fours and several of the smaller craft appear to have been unemployed during the engagement of the 7th January, and as but a very small portion of the land forces would have sufficed, aided by the boats' crews of the squadrons engaged, to carry the lower works, it may, we think, afford ground hereafter for angry comment, especially by naval men, that a more comprehensive plan, embracing all the forts up to the ultimate approachable bar of the river should not have been adopted, instead of that which was acted upon with a success which argues that our new foes the Chinese are utterly incompetent from ignorance of the use of arms, to contend against our troops on shore, as they have already, confessedly, found themselves to be when opposed to us on the water.

The arrival yesterday of H. M. Ship *Larne* from China 12th, Singapore 20th and Penang 26th ult:—has brought intelligence of a late date, the principal features of which are the proclamation of Captain ELLIOT, taking formal possession of the Island of Hong Kong in the name of the British Government—the dilatory progress of the pending negotiations, of which one stipulation the period for reopening the trade, has already been violated, (though as we understand by the concurrence of Capt. ELLIOT) and the information that Chusan is to be evacuated immediately. The Correspondent who mentions this last item, believes indeed that at the date of writing the evacuation had taken place. We have availed ourselves of the letters received to as great an extent as time will allow, and extracted all the most prominent items of intelligence. The latest official circulars are also given, from the *Singapore Free Press Extraordinary* of the 20th ultimo.

The following admirable and graphic account of the destruction of the Chuenpee Fort and other doings at the Bogue, is from the pen of a valued Correspondent,—the letter can need no other comment.

"We landed about 8 A. M. on the 7th, 1½ mile below Chuenpee forts: with a 9 pounder and 2 24 lb howitzers, and about 1,400 men, a curious medley of Royal Artillery 26th, 49th, Marines, Madras 37th and Bengal Volunteers the blue jackets dragging the guns which they did beautifully. About 10 we got the three guns into position on a low hill, about 600 yards from the upper fort, and commenced pounding the upper fort with them, while the *Calliope*, *Larne* and *Hyacinth*, aided by the *Queen* and *Madagascar* did what they could to both the upper and lower Chuenpee forts and to the entrenched camps and field work below. Foki answered to the best of his ability; his people were dressed in scarlet, with white ornaments which looked like our belts; he had skirmishers out, with light matchlocks; they answered our fire very creditably to their good will, but with very slight effect. After some minutes had been spent in softening the fort, two Companies of Marines went to the front as skirmishers, and the 37th M. N. I. with the remaining Royal Jollies, started off on the same duty to the right, to clear away some Chinese Light Infantry from a hill on which they had shown themselves; this part of the sight was very pretty indeed. The skirmishers in the valley in front could not advance very quickly, as there was some cover afforded by trees, and by the field work connected with the two forts, shortly after they had moved forward a small and inefficient mine blew up in their rear and at a short distance in front of the guns which continued to melt the fort. I was watching the proceedings attentively, as you may easily believe, and had just been remarking on the coolness with which the Chinese served their miserable guns, when, looking down the hill, I saw an Officer sauntering up towards the fort as comfortably and coolly as if he had been seeking for curiosities, he was followed at 20 yards distance or so, by a man or, and one or two others were farther astern; the Officer (Major Pratt 26th) walked up to one of the embrasures, looked in, and found that Foki was still at home; so he withdrew to the shelter of the parapets, the Marine, who had gained on him in the ascent, now came up and fired through the embrasure; the small remainder of the garrison bolted through the gate of the fort and the jolly ran in and hauled down their flag. The Fokies had been for some minutes deserting the upper fort in small parties, but those who stayed beind were firing as they best could, and I must say I admired Major Pratt and his companions By the time the flag in the upper fort was down the skirmishers had advanced well towards the lower one, they soon got round to the gate, near the jetty, fired a few muskets through it and then burst it open; they had to kill most of the Fokies contained in it, as the rascals had no idea of quarter, but would strike and thrust at every one who passed, even the wounded persisted in this contumacious conduct; the skirmishers too on the right were annoyed at the irregular behaviour of the enemy, the fellows, when driven from the hills, made down to the shore of Anson's Bay, got into the water as far as they could, fired their matchlocks at our people, and then, rather too late, began to "Chin Chin" humbly enough. During the fighting in the fort, a considerable explosion took place, and unfortunately injured Viner, a mate of the *Blenheim*, rather severely, besides damaging several of the Marines and Sepoys. It took, I suppose, an hour or rather more to settle the whole of the Chuenpee affair; soon after the lower fort had been in our possession, the Chinese camp and houses near it was burnt; a few small explosions took place, in consequence of the slovenly [illegible] under in buckets, but no one was hurt. Our own business being settled, we amused ourselves by admiring the proceedings of the *Nemesis* and of the men-of-wars boats among the war junks in Anson's Bay, they were terribly active; as soon as the forts were taken the *Nemesis* steamed off to the junks; and, from her light draught of water, could go close to them; she and the boats burnt and blew up 14 war junks; one of these a large one, full of men, exploded the instant the first Congreve rocket from the *Nemesis* reached her, the destruction of the junks continued all night and afforded us many beautiful sights; indeed, I do not remember even to have seen a day so full of them. While we were engaged in the upper fort, we could look across the river to Ty-cock two the point opposite Chuenpee, and see the *Samarang*, *Druid*, *Modeste* and *Columbine*, working away at the fort there; they battered it for an hour, then landed some men and of course took it easily, though they met with some resistance hand to hand. Indeed, though nothing can exceed the innocence of Chinese gunnery, the Fokies have a very fair notion of coming to "push of pike." On the forts, &c. at Chuenpee were 44 guns mounted, and a great number of dismounted pieces: the calibre generally from 9 to 24lbs., at Ty-cock tow they had 20 guns, the masonry of the forts is very good; the ramparts are faced with good stone, chiefly granite, and the parapet built of Chunam, which was, in most instances, merely dimpled by the short from the medium 32s,; trough the long guns of the *Druid*, particularly the 68s., had a most serious effect on it. It is difficult to ascertain the number of China men spoilt on the 7th; 200 and odd were buried in one of their own ditches at Chuenpee, and a good many burnt by accident, their matches having, as they lay wounded, set fire to their cotton jackets. We had, of course, a full proportion of the disagreeable shows incidental to even "lapetite guerre," men wounded in different manners and roasted to different degrees; you will be glad to hear that his Excellency Capt. C. Elliot, who at Chusan jested on the sufferings of English soldiers, was shocked beyond expression at the damage done to the Chinese, he stamped, and tore his hair and exclaimed "horrible! dreadful! disgusting butchery!" &c. &c; this is true liberality, and shews that I was mistaken in attributing his language at Chusan to contemptible levity and total want of heart; when he said that the disease which carried off good and brave men by scores was merely a "little dry belly-ache" and that "the fellows shammed to shirk their duty," he did *not* lie in his throat; he was *not* indifferent to the misery brought on others by his timidity and incapacity; he merely concealed his feelings, lest the outward expression should seem like weakness; he must be a "pitiful hearted" man, see how he weeps at the distress of his friends? no, his enemies—there have been many to weep for his friends.

The work was over soon enough to admit of our returning to dener on board the transport, which has by this time, with the men of war, moved up above Chuenpee; next morning we understood that the Bogue forts were to fall; the troops were distributed in the men of war and smaller steamers; we all got under weigh about 9 A M, and commenced working up towards our appointed stations, at about ½ past 11 the first gun was fired from the Nemesis; she had taken up a position which enabled her to enfilade the long range of batteries at Anunghoy; she fired 3 or 4 guns and threw a few rockets of which one set on fire a building between the two long batteries. The Queen took in tow the *Blenheim*, and moved her to a position near that of the *Nemenis*; in 2 or 3 minutes now Sir Fleming would have given his calm and deliberate order for a broadside when the attention of all was drawn by a gun from the Commodore; "no shot in that gun;" said an old gentleman near me, and, sure enough there was the white feather, white flag I mean shown at the fore, and signals, "Annul, engage the enemy." "Anchor immediately" and also her gun to enforce them At the same time we observed that the flags in the forts both at Anunghoy and Wangtong, had disappeared, and that boats, full of men, were pulling up the river as hard as they could from the Anunghoy batteries. we anchored, of course; and as we had nothing else to do began cursing the Chinese for cowards, &c, but we discovered to our horror that we had been applying bad language to the wrong people, for we learnt, before louge, that the armistice had been proposed by our own respected Plenipo, who probably deemed "with the calmness and wisdom which are attribute of his character" that the Chinese would be more likely to come into his terms if they saw him return to his usual vacilatory conduct than if he put on, for a second time the "enforced valor" which he showed at Chuenpee. Most people say that the Chinese consider the Bogue forts perfectly impregnable and that only with them would falls the pride, and supposed strength of the Empire, but, H. M.,s Representative, the ex.master attended, thinks otherwise, and, whether he be right or wrong in judgement, is only fair to give him credit for "rare devotedness in his motives. The manner in which he communicated with Anunghoy on the 8th was peculiar, dignified and characteristic; he he released a Chinese medico, taken prisoner at Chuenpee, and gave him either a chop or a message, I do not know which. to Kwan, the Governor of the forts, full of "feelings of humanity," "unnecessary effusion of Blood," &c. &c. offering to treat. Kwan very properly acceded to the proposal and an armistice was concluded for full three days: Kwan's answer was brought by either an old woman or cooly in a bumboat, there was no Chinese officers with it. All who know Captain C.Elliott prophesied that the 3 days would be infinitely elastic and that the truce would only terminanate with. Sir Gordon Bremer's very large stock of patience (:) all were right, and accordingly here were we are likely to remain, making a demonsstation. The Governor of the forts is the hero of Chuenpee he who "leant gracefully against his mast" during the brush with the *Velege* and *Hyacinth*, his enforced line of conduct is easy to [illegible], he is a brave old men, and will no doubt make the best defence in his power, but, of course, he would perfer avoiding a contest with the vey heavy force now nenr him, and, as long he can defer the evil day by civil speeches and requests for further time to receive instructions, be will do so: his man, of course gain courage with every days delay, and whenever the unavoidable attack of the forts may take place there will be far more bloodshed than would have been necessary for their capture and destruction on the 8th. when the Chinese were dispirited by the severe lesson of the previous day.

A hundred and fifty or sixty balls of Opium were found in the lower Chuenpee Fort."

A letter dated Chusan 20th January, mentions the arrival of the *Blundell* from Manilla, whither she had been despatched in August last for supplies. She left Manilla on the 28th October, making the voyage altogether 84 days, a difficulty of communication with the south, which prevailing as it does for many months in the year is probably a strong objection to our retaining possession of Chusan. Rumours were constantly afloat that an attack would be made by the Ning-po people but little reliance was placed upon them.

H. M. 49th Regement were moving into barracks between the suburb and city, where in event of any commotion, they would be in an excellent situation for either attack or defence, which while quartered in the town was not the case being too much mixed up with the Chinese. Lieuteneut BIRDWOOD of the Engineers was abut to leave by the *Hannah* on sick certificate for Macao, where at the date of our last accounts he had arrived. Captain Anstruther it was belived could easily make his escape from Ningpo, but with admirable spirit he declined attempting it, as his companions in misfortune would not be able to accompany him, and would probably suffer increased severity from the Chinese. in revenge for his giving them the slips. The treatment of Mrs. NOBLE and the *Kite's* crew is described as most inhuman—confined in cages and loaded with irons.

Dr. KING had returned to Calcutta on sick certificate. Mr. PORTER the purser of the *Blonde* was buried on the 20th January. The fever contracted at Chusan is discribed as most virulent and almost incurable; about forty deaths had occurred during the current months in addition to the 621 reported at the commencement, while among the Invalide sent to Manila and Culcutta, numerous deaths were known to have taken place.

Our Correspondent's letter concludes by a singular item of intelligence, which forms a curious contrast to the foregoing—"Punch and July has been regularly exhibited in the streets. it is exactly similar to the show we have in London, in fact I suppose we must have borrowed it from them." We leave the the curious in such matters to determine the date of this importation, and the mode in which it was first aequired from the Chinese,

We heer a sad accouot of the mortality among the troops sent to Manilla, where however they were ordered into quarntine and not allowed to land—out of 381 convalescents 118 had died In the Commissariat arrangements, an improvement had taken place.

A letter from Chusan dated the end of November which has but lately reached us, furnishes few particulars which are even now worth extra tou. After noticing the truce which had been entered into with the Chinese, the better supply of provisions obtained, and the cold weather which had then set in, our Correspondent remarks on the extraordinary good health of the Sappers and Miners who have no caste prejudices, and are therefore not so particular as other Native Corps respecting their diet—their sick list actually averaged *less* than when they were in India. The Sappers were then fully employed in bulding a barrack West of the Ting-hae suou b, and in repairing the various Guard rooms, in fact says our Correspondent the more work they have the better they seem to be. He continues "nothing could possibly show more to their advantage as general service men, than the comparison they now exhibit with the Bengal Volunteers, these poor fellows being very sickly, and quite palyzed with the cold." In confirmation of these riews, we need only refer to to the register of deaths at Chusan during the six months it has been occupied by our troops, (as given in a late issue) which exhibits but *one* death in the labors of Sappers—a difference which after making every allowance for their smaller numbers is really surprising, and may be looked upon as affording a valuable hint with regard to the choice of Native troops for foreign service.

The sportsman it seems could at the date of our Correspondent's letter, find pretty good amusement at Chusan—snipe and wild ducks were getting tolerable plentiful, and the Officers spent much of their time in shooting Since the truce has been established, they had ventured abroad with impunity, and did not even considers it necessary to carry arms for self protection. The opium trade was even then going on. as during the presence of our ships of war on the coas, the Mandarins were a fraid to put to sea, and consequently the Chinese who were inclined to purchase could board the opium vessels with impunity. The trade was not only unusually brisk but the prices realized higher than those of former years. The *Scotland*, a vessel which had come out on speculation loaded with English long cloths &c., was disposing of her cargo without difficulty.

With reference to the letter in our last issue, which we remarked upon as pointing out "some *supposed* fallacy" in the calculations of the infantry Retiring Fund, it is necessary to observe that it has reference merely to Captain MACKENZIE'S letter of the 25th ultimo, *which was unconnected with the principles of the Fund.* This calculation was we are informed hurried into at the suggestions of some well wishers to the plan, and had not it seems received sufficiently attentive consideration before it was submitted to the public eye. That some little inadvertence should creep into a calculation thus hastily made at the suggestion of others, is not to be wondered at, and in the following letter it will be fully explained; we cannot however too clearly separate this inadvertence form the previous and more mature calculations which form the basis of the scheme which has received the support of so such great and permanent interest, it is satisfactory to find a spirit of candy and investigation abroad, which is fully bent on testing the accuracy of the principles laid down Yet it would be well for individuals to pause awhile and even mistrust their own results, ere they are placed in collision with those matured calculations which must have cost heir projector abundant labour and anxiety, and which have now for nearly five months stood the test of examination by the whole Madras Army, and probably though in a minor degree, the Armies of the other presidencies also. Unanimity has hithertoprevailed to a remarkable, extent throughout the progress of the Retiring fund nor should this feeling be lightly disturbed by those who now step forwad ts discuss its principles

THE INFANTRY RETIRING FUND.

TO THE OFFICERS OF THE MADRAS INFANTRY.

DEAR BROTHER OFFICERS.—I lose no time in correcting a mistake into which I was inadvertently hurried in the calculation given in my letter dated 25th ultimo, of the pecuniary benefits to be derived from the operation of the Infantry Retiring Fund; arising, as it did, from an oversight *but entirely unconnected with the previous calculations and the principles on which the Fund was proceted.* When I invited correction, I did so in sincerity conscious of my own rectitude of purpose, and well aware that dissentients would gladly take advantage of any miscalculation I might have fallen into. "*Fas est ab hoste doceri*" and I thank one of them for putting me right; as it enables me to lay a more correct Statement before you; sufficiently demonstrative I trust, of the advantages to be gained by the institution now established, as to induce those who regard their own interests and have those of the Service at heart to promote as much may be in their power, its permanenec.

Allowing for retirements which would otherwise take place without the operation of the Fund

I 4
viz. 1—per annum, 6—would be the actual number
5 5

gained from Annual retirements, and consequently each Regiment will have an extraline step every 99 months, which will accelerate Regimental rise as follows.

From Ensign to Lieut	5—		9 Months.	
	11			
" Lieut. to Capt. 13	½	"		
" Capt. to Major. 13		"		
		Yrs.	Mths.	
	16		16	
	32—	= 2	8—	
	33		33	
Add to this accelerated line promotion		2	6	
			16	
		5	2—Accelerated	
			33	

promotion to Lieutenant Colonelcy.

The following will therefore be the time passed in each rank, until promotion to a Lieutenant Colonelcy.

	Yrs	Mths	Mths.
		2	2
Ensign	3	6—	= 42—
		11	11
Lieutenant	8	3½	= 99½
Captain	7	10	= 94
Major	3	7	= 43
			Yrs. Ms.
		17	17
		278—	= 23 2 —
		33	33

Contrasting the receipts of an Officer during the above period, with and without the operation of the Fund, they would stand thus—

According to present rates of promotion

	R.	A.	P.	Mths.		R.	A.	P.
Ensign	197	9	9	* 48	=	9485	4	0
Lieut	244	14	6	* 113	=	28126	5	6
Captain	405	0	9	* 107	=	43339	14	3
				17				
Major	752	1	9	* 10—	=	7900	8	8
				33				
				17				
				278—	Rs.	88860	0	5
				33				

According to the Fund rates of promotion

				2				
Ensign	197	9	9	* 42—	=	8326	6	10
				11				
Lieut	244	14	6	* 99½	=	24724	10	10
Captain	405	0	9	* 94	=	38074	6	6
Major	952	1	9	* 43	=	40949	11	4
				17				
				278—		112066	3	5
				33				
						88860	0	—
Difference of Pay and Allowances in favor of Fund rates of promotion								5
From this difference is to be deducted the amount of Subscriptions paid towards the Fund						23206	3	0
						8479	8	0
						14726	11	0
Add to this the amount of Bonus						25000	0	0

and the aggregate will be Rupees 39726 11 0 which a Lieutenant Colonel will be in possession of on retiring after a Service of 23 years 2—months.

	17
	33

The actual pecuniary benefit to an Officer remaining in the Service, will at this period be Rupees 13,726; and should he remain for a period equal to that, in which according to the present rates of promotion, a Colonelcy would be gained, viz. 39½ years, he would benefit to an extent of *One Lac, forty thousand, two hundred and eighty Rupees*, allowing that for 2½ months of the time, i. e. after five years Service as full Colonel, he would hold Command of a Division, which it is ressonable to expect he would.

Persuaded as I am myself of the important benefits to be derived from a Retiring Fund, by those who remain in the Service, as well as those who retire from it; I feel sanguine that unanimity will ere long prevail, and that all will unite in the resolution to support one, the best we can devise. With respect to details it is difficult for any one, however able, to foresee them much less predict them, it may therefore appear both inexpedient and useless to attempt their development. The primary consideration is unanimity and it should be left to good feeling, to integrity of purpose and of principle, to correct the imperfections which experience through time may point out out, in the scheme adopted.

With every desire for open and candid discussion, I have neither time nor inclination to support my arguments against anonymous and prejudiced assailants, and therefore will not trouble myself to uncourteous correspondents; but if with the object of promoting the interests of the Fund, and securing benefits to the Service in general I am addressed under a real signature, I shall be happy to discuss the subject, publicly or privately, were I to devote the whole of my few leisure hours to that purpose.

I remain,
Dear Brother Officers,
Yours faithfully,
GEO. G. MACKENZIE, Capt.,
A. M. A. G.

MADRAS, *6th March*, 1841.

UNITED SERVICE GAZETTE, MARCH 5.

KAMPTEE THEATRICALS. A Correspondent furnishes the following description of their Theatrical display at that station on the evening of the 22d Ultimo.

"I now redeem my promise of giving you an account of the Theatrical performances here last night. The pieces were, "Inch Cape Bell," and "But However" wherein the Amateurs played their parts admirably and a better got up thing than "Inch Cape Bell" I have never seen enacted on such a small stage.—Our enterprising Manager Lt. W. of H. M. 39th was perfection as Solomon Sawdust, and Lt. A., H. M 39th, as the Captain of the smuggler, elicited great praise, and Nowlan of the Artillery as the cast away, performed admirably; the female characters also were well sustained by two young officers of the 39th, but the scenery of the piece was splendid; in one scene the stage represented beautifully the deck of the smuggler with its masts, ropes, sails, &c. &c. and at another time the sea with its moving, and roaring billows, the rocks around so natural and the "Inch Cape Bell," with its mournful never ceasing toll hanging before us. I assure you that the effect was most thrilling, but the best of all was the last scene which displayed to view the smuggler craft tossing about in the raging sea; it was almost reality, and when the masts creaking and tottering fell overboard and at last the hull of the found ring vessel then sunk with its unfortunate Captain there was one continued burst of applause: the whole of the piece was indeed perfect and the manager may congratulate himself on having succeeded so well in such a difficult undertaking. "But however" went off as all amusing farces do when so well acted. The attendance was excellent, the resident and suite, the Brigadier and his lady, &c. with nearly all our society were present."

DAWK CHARGES TO MILITARY FOLLOWERS ON SERVICE.—A letter from Kurrachee notices a hardship, which, as affecting followers on Foreign Service, beyond the limits of "India Proper" we think requires to be made known to Government, only to ensure a ready remedy. We subjoin an extract from our Correspondent's letter and respectfully beg thereunto the attention of the Authorities:—

"The Natives who are not regularly mustered servants, sadly complain of their families at Belgaum having to pay postage for letters sent from here by them, after being franked This is certainly hard upon these poor people, who are serving in a Foreign land, and some allowance ought to be made by Government for this class of people situated as they are 100 miles and more distant from their families"

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